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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/065.856	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b>  <b>JAN 07 2005</b>
	Filing Date	11/26/2002	
	First Named Inventor	Ann E. Loraine	
	Art Unit	1631	
	Examiner Name	Marina I. Lebedeva	
Total Number of Pages in This Submission	3	Attorney Docket Number	3291.3A

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> - Reply to Restriction Requirement (2 Pages)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Affymetrix, Inc.		
Signature	<i>William R. McCarthy III</i>		
Printed Name	William R. McCarthy III		
Date	1/7/2005	Reg. No.	55,788

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. <i>Central Fax No 703-872-9306</i>			
Signature	<i>William R. McCarthy III</i>		
Typed or printed name	William R. McCarthy III	Date	1/7/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No.: 09/683,374

PATENT

Attorney Docket No. 3291.3A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Ann E. Loraine et al.

Examiner: Marina I. Lebedeva

Serial No: 10/065,856

Group Art Unit: 1631

Filing Date: 11/26/2002

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**JAN 07 2005**

**Title: Method, System, and Computer  
Software for Variant Information Via a  
Web Portal**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Examiner Lebedeva:

In response to the December 9, 2004 Restriction Requirement, Applicants hereby elect the following with traverse.

With respect to specie A, a target for detection, Applicants elect the species of "nucleic acids" as recited in claims 1, 8, and 31.

With respect to specie B, a mode of determining spice variants, Applicants elect the species of "model fitting" as recited in claim 9.

With respect to specie C, an annotation datum selection basis, Applicants elect the species of "mRNA" as recited in claims 16, 33, and 44. Applicants respectfully assert that the annotation datum as recited in claims 17, 34, and 45 should not be considered species of the same genus as an annotation datum selection basis. For example, the annotation datum selection basis of claims 16, 33, and 44 refers to the basis of selection for displaying a representation of at least one annotation datum as described in paragraph [0146] of the present application, where the annotation datum of claims 17, 34, and 45 refers to what the annotation datum comprises. Thus, Applicants assert that the annotation datum of claims 17, 34, and 45 is patentably distinct and should also be examined.

Application No.: 09/683,374

With respect to specie D, an enabling mode, Applicants elect the species of "enabling" for display includes graphically associating the alternative splice variant and the annotation datum as recited in claim 20.

Applicants also reserve the right to re-present non-elected claims or species in a divisional or other related application.

Applicants believe that no fee is required. However, if a fee is required, the Commissioner is hereby authorized to deduct such fee from the undersigned's Deposit Account, 01-0431.

Respectfully submitted,

Dated: January 7, 2005

By 

William R. McCarthy III Reg. No.: 55,788

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